

Part 121

121.000 **PRAIRIE RIVER/LAKE TEMPLENE ACCESS SITE**
 ORDINANCE NUMBER 38

121.100 **ARTICLE 1**

121.101 **Short Title.**

Sec.101.1 This Ordinance shall be known as "The Prairie River/Lake Templene Access Site Ordinance".

121.102 **Purpose.**

Sec. 102.1 The purpose of the Prairie River/Lake Templene Access Site ordinance is to preserve the natural environment and to provide a safe and readily accessible waterfront access site, to preserve the continued recreational access for watercraft onto the waters of the Prairie River and Lake Templene and to relieve traffic congestion on Nottawa Road in the area of the Nottawa Road bridge.

Sec. 102.2 This ordinance is also intended to preserve the property rights of the riparian property owners on Lake Templene and to insure that they will be free from trespassing, disturbance of the peace, damage to personal property, and to limit overcrowding boat traffic on Lake Templene.

Sec. 102.3 The Prairie River/Lake Templene Access Site and this ordinance shall apply to the real property described as:

Parcel #: 75 012 027 005 00

The following described premises located in the Township of Nottawa, County of St. Joseph, State of Michigan, to wit:

The Southeast Fractional ¼ of Section 27, Township 6 South, Range 10 West, lying South of Blocks 22 and 23, Village of Nottawa, described as: Commencing at the intersection of the East Line of said Section and the South Line of Rainbow Drive in C.E. Wright Sand Lake Subdivision, thence West 259.06 feet along the South Line of said Drive, thence South 26 degrees 06 minutes West to the South Line of said Section, thence East along the Section Line to the East Line of said Section, thence North to the Point of Beginning.

And;

Parcel #: 75 012 034 002 00

The following described premise situated in the Township of Nottawa, County of St. Joseph and State of Michigan, to-wit:

Property located in the northeast corner of Section 34 of Nottawa Township, St. Joseph County, Property Address 61054 Nottawa Rd., Sturgis, MI 49091, N 370.4 FT OF NE 1/4 NE 1/4 SEC 34 T6S R10W LYING ELY OF PRAIRIE RIVER. (BDY CHG W/012-034-001-01 MAY/03)

and the reasonable adjacent access from Nottawa Road and the immediate adjacent area upon the water, herein "Access Site Property".

Sec. 102.4 All references to Township in this ordinance shall refer to Nottawa Township, a statutory Township in St. Joseph County, Michigan.

121.200

ARTICLE 2
ACCESS SITE REGULATIONS

121.201

Regulations.

Sec. 201.1 The regulations under the ordinance known as the "Nottawa Township Parks Ordinance" shall apply to the Access Site Property unless there is a conflict with any of the following regulations, in which case the following regulations shall apply.

Sec. 201.2 To avoid conflict with section 300.408 of the Nottawa Township Zoning Regulations regarding "keyholing", private launch sites along the waters of the Prairie River and/or Lake Templene are restricted for their owners' personal use and no others. The Access Site Property is a public access site and is not for the benefit of any specific group of non-waterfront land owners.

121.202

Vehicle Parking.

Sec. 202.1 Vehicles and trailers using the Access Site Property for the purpose of launching watercraft shall be parked within the available parking area designated for that purpose on the Access Site Property except those who are subject to Section 202.2. Vehicles improperly parked within the available parking areas, parked in a restricted zone, or launch access drive shall be subject to section 121.206: **Violations, Penalties and Enforcement.**

Sec. 202.2 All vehicles and trailers used by Organized Fishing Contest/Tournament participants to launch or retrieve watercraft at the Prairie River/Lake Templene Access Site shall be parked at an off-site location designated for Organized Fishing Contest/Tournament parking and not at the Access Site Property. The off-site tournament parking area shall be designated for that purpose by the Township. The Contest Director is allowed to park one vehicle and trailer at the Access Site Property for the purpose of shuttling

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contest participants to and from the designated Organized Fishing Contest/Tournament off-site parking area.

Sec. 202.3 No vehicles and/or trailers shall be permitted on the Access Site Property between the hours of 1:00 AM and 5:00 AM.

Sec. 202.4 No vehicles or trailers may park on Nottawa Road in areas where parking is prohibited.

121.203 Import of Invasive Aquatic Species and Mooring of Watercraft Prohibited.

Sec. 203.1 Vehicles, trailers, and watercraft using the Access Site Property are to be inspected by their users prior to entering the launch ramp area. Access site users are required to remove all vegetation from their vehicles, trailers, and watercraft. Access site users are also required to drain their watercraft of accumulated bilge water and empty all live wells prior to entering the water. At no time shall removed vegetation or drained water be allowed to enter the waters of the Prairie River or Lake Temple. Access site users who are leaving the Prairie River and Lake Temple are encouraged to perform a thorough post inspection upon retrieval of their watercraft. These measures are an important step in the halt of the importation of unwanted Invasive Aquatic Species into Michigan waters by access site users.

Sec.203.2 No watercraft shall remain unattended and moored, tied, anchored or otherwise fastened to the shore or within the waters at the Access Site Property at any time unless necessary for the launching or retrieval of a watercraft by its user or for the use of sanitary facilities if provided. In any event, no watercraft shall be unattended, moored, tied, anchored or otherwise fastened to the shore for longer than 1 hour.

121.204 Reduced Noise Operation.

Sec. 204.1 Watercraft operators shall navigate at levels of reduced power and speed, necessary for the type of watercraft being operated, to produce a reduced level of noise between the hours of 5:00 AM – 7:30 AM and 10:00 PM - 1:00 AM. The level of watercraft operation shall be minimized to avoid nuisance complaints and disturbance of the peace to waterfront residents.

121.205 Organized Fishing Contest/Tournament.

Sec. 205.1 Organized Fishing Contests/Tournaments ("Fishing Contest") are described as five or more fishing watercraft containing one or more licensed fishermen and/or fisherwomen engaging in competitive fishing for points, prizes, gratuities, or other awards. A Fishing Contest from the Access Site Property can

only be held on Lake Templene/Prairie River if a permit has been issued by Nottawa Township.

Sec. 205.2 Fishing Contest/Tournament Permit: Individuals or organizations wishing to hold a Fishing Contest shall submit a written request for a "Fishing Contest/Tournament Permit Application" to the Township Supervisor or the designated authority after January 1 of each calendar year.

- A. Upon receipt of the request, the Township will send applicants a permit application on a form provided by the Township.
- B. The permit application form, accompanied by the payment of a non-refundable application fee of \$25.00 must be received by the designated township official not less than 14 days prior to the scheduled tournament date.
- C. If the application is incomplete, then the applicant will be informed by the designated township official if additional information is necessary for permit approval.
- D. A copy of the approved application and Fishing Contest/Tournament Permit shall be returned to the applicant upon final approval by the designated township official. The approved Permit may include restrictions or conditions.
- E. If an application is rejected, then a copy of the rejected application including a statement explaining the reasons for the rejection shall be returned to the applicant upon final determination by the designated township official.
- F. If approved, the Contest Director and participants must abide by restrictions and conditions, if any.

Sec. 205.3 Application Requirements: Every application shall be accompanied by the following information and data.

- (1) Name and address of organization sponsoring the contest or individuals organizing the fishing contest.
- (2) Name, address, and cell phone number of the designated Contest Director.
- (3) Number of anticipated watercraft and contestants in the fishing contests.

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- (2) Name, address, and cell phone number of the designated Contest Director.
- (3) Number of anticipated watercraft and contestants in the fishing contests.

(4) Point of weigh-in. The point of weigh-in shall not be held at the access site launch and parking area.

(5) Date and start/quit times of the fishing contests.

Sec. 205.4 Approved Fishing Contest/Tournament Permit Requirements: Participants shall provide the following information and fees prior to launching watercraft on the permitted date. The information and fee shall be on a form provided by the township and deposited in a location designated at the access site for this purpose.

(1) A copy of the approved permit.

(2) A fee of \$5.00 for each participating watercraft.

(3) A complete listing of tow vehicle and trailer plate numbers.

(4) A complete listing of Watercraft Registration numbers including expiration dates.

Sec. 205.5 Fishing Contest/Tournament Permits shall not be issued for: any Free Fishing Dates published by the Michigan DNR; Memorial Day; July 4th; Labor Day; and weekend days adjacent to the previously listed holidays. The official opening day of bass season as published by the Michigan DNR may be a tournament date, even if it falls on a restricted day listed above.

Sec. 205.6 Fishing Contest/Tournament Permits issued for the opening day of bass season as published by the Michigan DNR shall be limited to individuals or organized groups located within a 25 mile radius of Nottawa Township and shall be granted on a first come first serve basis.

Sec. 205.7 Fishing Contest/Tournament Permits on Lake Templeme shall be limited to 1 (one) tournament per calendar day, and shall be issued on a first come—first serve basis according to a completed application.

Sec. 205.8 Fishing Contest/Tournament Permits issued for Organized Fishing Contests/Tournaments will limit the number of participating watercraft in accord with the following schedule.

1. Monday thru Friday: 28 (twenty eight) watercraft.
2. Saturday and Sunday: 21 (twenty one) watercraft.

Sec. 205.9 Participants shall be subject to the requirements listed in Section 121.202.2 Vehicle Parking.

Sec. 205.10 Participants in an Organized Fishing Contest/Tournament shall not launch boats prior to 5:00 AM.

Sec. 205.11 Organized Fishing Contests/Tournaments shall not last longer than 7 (seven) hours on any specific day.

Sec. 205.12 The number of Organized Fishing Contests/Tournaments may be 20 to 25 in any calendar year. The Township Board may fix or authorize the amount of allowed Organized Fishing Contests/Tournaments between 20 and 25 upon recommendation by the established advisory committee.

Sec. 205.13 Charitable Fishing Contests/Tournaments launched from the Access Site Property that are promoted and organized for the purpose of supporting a recognized and approved charity by donating all proceeds to the charity, may be considered as a special event by Nottawa Township whereby the Township may consider waiving certain restrictions, and permit fees.

Sec. 205.14 The Township board shall create a Prairie River/Lake Templene Access Site Advisory Committee by appointment of three members. The committee shall consist of a Local Tournament Organizer, a member of the Lake Templene Property Owners Association Board, and a member of the Nottawa Township Board. The advisory committee shall monitor the access site and its use. The committee shall recommend to the board any changes it may deem necessary to provide a safe and accessible public site as well as reporting any possible negative environmental impact caused by its use. The committee shall also determine the impact of tournament fishing and may recommend changes to the township board.

Sec. 205.15 The designated director of a Fishing Contest shall have a copy of the Permit with him at all times during the Fishing Contest. The director shall be present and easily identifiable at all times during the Fishing Contest. The director is required to be accessible by cell phone at the number provided on the Fishing Contest/Tournament Permit Application at all times during the Fishing Contest.

Sec. 205.16 Permits for Organized Fishing Contests/Tournaments which violate this ordinance, or any restriction or condition of the permit, may be revoked and future applications for permits denied to the organization or individuals in violation of any State law or local ordinance.

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Sec. 205.16 Permits for Organized Fishing Contests/Tournaments which violate this ordinance, or any restriction or condition of the permit, may be revoked and future applications for permits denied to the organization or individuals in violation of any State law or local ordinance.

Violations, Penalties and Enforcement.

Sec. 206.1 Violation: Any person who violates, disobeys, fails, neglects or refuses to comply with any provision of this ordinance, any administrative decision made under the ordinance, or any permit or approval issued under the Ordinance, including any restrictions or conditions imposed thereon, or who causes, allows or consents to any of same, shall be responsible for a civil infraction deemed to be responsible for a violation of this ordinance. Any person responsible for a violation of this ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

Sec. 206.2 In the case of a Fishing Contest/Tournament, each individual watercraft owner/operator, as well as the designated director of the Fishing Contest, in violation of this ordinance shall be responsible for a civil infraction.

Sec. 206.3 Municipal Civil Infraction: A violation of this ordinance is a municipal civil infraction as defined by Michigan Statute and shall be punished by a civil fine determined in accordance with the recommended following schedule:

| OFFENSE | MINNIMUM FINE | MAXIMUM FINE |
|-----------------|---------------|--------------|
| | | |
| First | \$100.00 | \$500.00 |
| Second | \$200.00 | \$500.00 |
| Third | \$325.00 | \$500.00 |
| Fourth or more* | \$500.00 | \$500.00 |

*Within the three calendar years immediately preceding the date of the offense at issue

Additionally the violator shall pay costs that may include all expenses, direct and indirect, which Nottawa Township or its agent has incurred in connection with the municipal civil infraction. In no case, however, shall cost of less than \$9.00 be ordered.

Sec. 206.4 Remedial Action: Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce its provisions.

121.207 **Rules and Additional Regulations**

Sec. 207.1 Nottawa Township may adopt additional Prairie River/Lake Templene Access Site Rules and Regulations not listed within this ordinance when deemed necessary for site enhancement or public safety. Additional rules and regulations shall be adopted by resolution.

Sec. 207.2 Nottawa Township shall post a complete listing of **Ordinance 38 Prairie River/Lake Templene Access Site** and all other adopted Access Site Rules and Regulations in a location visible to all access site users. Compliance with posted Ordinance 38 and additional Access Site Rules and Regulations is mandatory.

121.208 **Recognized Access Site.**

Sec. 208.1 The Access Site Property is the only site recognized and regulated by Nottawa Township to provide public access to the Prairie River and Lake Templene.

121.209 **Liability and Assumption of Risk.**

Sec.209.1 The Access Site Property is located on land leased by Nottawa Township, so any person using the Access Site Property and/or the facilities located there, shall assume the risk of any injury, damage or loss suffered or incurred while using the property and/or facilities and furthermore shall hold the Property Owner free from any liability related to any injury, damage or loss.

Adopted this 18th day of April, 2011.

This ordinance duly adopted on April 18, 2011 at a regular meeting of the Nottawa Township Board and will become effective 30 days after publication.

Signed on April 18, 2011 by _____

William Dobrowolski, Clerk of the Township of Nottawa.

Attested on April 18, 2011 by _____, Kurt

Loudenslager, Supervisor of the Township of Nottawa.

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NOTTAWA TOWNSHIP PRAIRIE RIVER/LAKE TEMPLENE ORGANIZED FISHING CONTEST/TOURNAMENT APPLICATION

You **MUST** answer all questions and include the non-refundable \$25.00 application fee, or this will be returned to you. Bring or mail to: **Nottawa Township, P.O. Box 68, Centreville, MI 49032.**

Approval of an Organized Fishing Contest/Tournament Application is required in advance of any Organized Fishing Contest/Tournament commencing from the Prairie River/Lake Templene Access Site. In the box below, fill in where you want this form sent, when the review is completed.

| | |
|-------------------|---|
| Name | This form is designed to comply with Nottawa Township Ordinance 38 and any applicable Nottawa Township General Ordinance, Nottawa Township Zoning Ordinance, or adopted rules for use of the Prairie River/Lake Templene Access Site. |
| Address | |
| City, State & Zip | |

1. Organization Information:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (____) _____ Cell Phone: (____) _____

2. Designated Contest Director:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (____) _____ Cell Phone: (____) _____

3. Participating Watercraft and Contestants:

Please list the anticipated number of watercraft and contestants:

4. Point of Weigh In:

Weigh in shall not be held at the access site launch and parking area. Please list the location of weigh in:

5. Requested Tournament Date:

Please specify the requested tournament date including start and quit times. An alternate date may be included in case a requested date is unavailable:

6. Application Fee:

Please include a \$25.00 non-refundable check payable to Nottawa Township for application processing.

7. Signature of Individual or Organization Representative Requesting Permit:

Applicant Signature: _____ Date: _____

Organization Name: _____

FOR OFFICE USE ONLY / DO NOT WRITE BELOW THIS LINE

TOURNAMENT APPLICATION NUMBER: _____

NAME: _____

TOURNAMENT PERMIT NUMBER: _____

DATE: _____ TOTAL: _____ CHECK #: _____

Reviewers action:

_____ **Approved:** Conditions, if any: _____

_____ **Denied:** Reasons (cite §): _____

Signature: _____ Date: _____

(Dave Peterson, Nottawa Township Supervisor)

NOTTAWA TOWNSHIP, SAND LAKE

ORGANIZED FISHING CONTEST/TOURNAMENT APPLICATION

You **MUST** answer all questions and include the non-refundable \$25.00 application fee, or this will be returned to you. Bring or mail to: **Nottawa Township, P.O. Box 68, Centreville, MI 49032.**

Approval of an Organized Fishing Contest/Tournament Application is required in advance of any Organized Fishing Contest/Tournament commencing from the Sand Lake Access Site. In the box below, fill in where you want this form sent, when the review is completed.

| | |
|-------------------|---|
| Name | This form is designed to comply with Nottawa Township Ordinance 38 and any applicable Nottawa Township General Ordinance, Nottawa Township Zoning Ordinance, or adopted rules for use of the Sand Lake Access Site. |
| Address | |
| City, State & Zip | |

1. Organization Information:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: (____) _____ Cell Phone: (____) _____

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Name: _____
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NAME: _____

TOURNAMENT PERMIT NUMBER: _____

DATE: _____ TOTAL: _____ CHECK #: _____

Reviewers action:

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_____ **Denied:** Reasons (cite §): _____

Signature: _____ Date: _____

(Dave Peterson, Nottawa Township Supervisor)

Nottawa Township

Fishing Contest/Tournament Participant Registration

(Ordinance 121.205)

| # | OWNER | TRUCK/CAR LICENSE | STATE | BOAT LICENSE | STATE |
|----|-------|----------------------|-------|--------------|-------|
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Total number of watercraft _____ @\$5.00 each = \$_____ total fee

I confirm that the Vehicles and trailers listed above are the only ones registered to participate in the Organized Fishing Contest to take place on (date) _____

Applicant's Signature _____

Date _____

